

CHAPTER 1029**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS***S.F. 2248*

AN ACT relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
PERSONS CONTESTING THE DENIAL
OF APPLICATIONS OR PERMITS ISSUED UNDER NPDES

Section 1. Section 455B.174, subsection 4, paragraph b, Code Supplement 2009, is amended to read as follows:

b. In addition to the requirements of paragraph “a”, a permit shall not be issued to operate or discharge from any disposal system unless the conditions of the permit assure that any discharge from the disposal system meets or will meet all applicable state and federal water quality standards and effluent standards and the issuance of the permit is not otherwise prohibited by the federal Water Pollution Control Act. All applications for discharge permits are subject to public notice and opportunity for public participation including public hearing as the department may by rule require. The director shall promptly notify the applicant in writing of the director’s action and, if the permit is denied, state the reasons for denial. The A person who is an applicant or permittee may appeal to the commission from contest the denial of a permit or from any condition in any of a permit issued by the director, if the applicant files notice of appeal with person notifies the director within thirty days of the director’s notice of denial or issuance of the permit. The director shall notify the applicant within thirty days of the time and place of the hearing. Notwithstanding section 17A.11, subsection 1, if the applicant or permittee timely contests the director’s action, the presiding officer in the resulting contested case proceeding shall be an administrative law judge assigned by the division of administrative hearings pursuant to sections 10A.801 and 17A.11.

DIVISION II
NPDES PERMITS ISSUED TO CONFINEMENT FEEDING OPERATIONS

Sec. 2. Section 459.311, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. Notwithstanding subsection 1, a confinement feeding operation that is a concentrated animal feeding operation as defined in 40 C.F.R. § 122.23(b) shall comply with applicable national pollutant discharge elimination system permit requirements as provided in the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412, pursuant to rules that shall be adopted by the commission. Any rules adopted pursuant to this subsection shall be no more stringent than requirements under the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts. 122 and 412.

Approved March 8, 2010

CHAPTER 1030

REGULATION OF COMMERCIAL ESTABLISHMENTS FOR NONAGRICULTURAL ANIMALS

H.F. 2280

AN ACT providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for fees, providing penalties, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 162.1, Code 2009, is amended to read as follows:

162.1 Policy Purpose and scope.

1. The purpose of this chapter is to accomplish all of the following:

1. ~~a. To insure~~ Insure that all dogs and cats handled by ~~boarding kennels, commercial kennels, commercial breeders, dealers, and public auctions~~ commercial establishments are provided with humane care and treatment ~~by regulating~~.

~~b. Regulate~~ the transportation, sale, purchase, housing, care, handling, and treatment of ~~such animals~~ dogs and cats by persons ~~or organizations~~ engaged in transporting, buying, or selling them ~~and to provide~~.

~~c. Provide~~ that all vertebrate animals consigned to pet shops are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of such animals by pet shops.

2. ~~d. To authorize~~ Authorize the sale, trade, or adoption of only those animals which appear to be free of infectious or communicable disease.

3. ~~e. To protect~~ Protect the public from zoonotic disease.

2. This chapter does not apply to livestock as defined in section 717.1 or any other agricultural animal used in agricultural production as provided in chapter 717A.

Sec. 2. Section 162.2, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. “*Animal Welfare Act*” means the federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations promulgated by the United States department of agriculture and published in 9 C.F.R. ch. 1.

NEW SUBSECTION. 4B. “*Authorization*” means a state license, certificate of registration, or permit issued or renewed by the department to a commercial establishment as provided in section 162.2A.

NEW SUBSECTION. 6A. “*Commercial establishment*” or “*establishment*” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

NEW SUBSECTION. 8A. “*Department*” means the department of agriculture and land stewardship.

NEW SUBSECTION. 9A. “*Federal license*” means a license issued by the United States department of agriculture to a person classified as a dealer or exhibitor pursuant to the federal Animal Welfare Act.

NEW SUBSECTION. 9B. “*Federal licensee*” means a person to whom a federal license as a dealer or exhibitor is issued.

NEW SUBSECTION. 10A. “*Permittee*” means a commercial breeder, dealer, or public auction to whom a permit is issued by the department as a federal licensee pursuant to section 162.2A.

NEW SUBSECTION. 15A. “*Registrant*” means a pound, animal shelter, or research facility to whom a certificate of registration is issued by the department pursuant to section 162.2A.

NEW SUBSECTION. 16A. “*State fiscal year*” means the fiscal year described in section 3.12.

NEW SUBSECTION. 16B. “*State licensee*” means any of the following:

a. A boarding kennel, commercial kennel, or pet shop to whom a state license is issued by the department pursuant to section 162.2A.